

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EDWARD PITRE,

Plaintiff,

- against -

THE CITY OF NEW YORK, FIRE DEPARTMENT OF  
THE CITY OF NEW YORK, JAN BORODO,  
individually, and JOSEPH M. MASTROPIETRO,  
individually,

Defendants.

**DEFENDANTS' PROPOSED  
VERDICT FORM**

18-CV-5950 (DC)

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**VERDICT FORM**

*All jurors must agree on the answers to all questions. Please CHECK (✓) your answers and fill in the blanks.*

**SHRL/CHRL DISABILITY DISCRIMINATION**

**Question 1**

Did Plaintiff prove by a preponderance of the credible evidence that any of the below Defendants unlawfully discriminated against him based on his disability?

City of New York: YES \_\_\_\_\_ NO \_\_\_\_\_

Jan Borodo: YES \_\_\_\_\_ NO \_\_\_\_\_

Joseph M. Mastropietro: YES \_\_\_\_\_ NO \_\_\_\_\_

**PROCEED TO QUESTION 2.**

**FMLA INTERFERENCE<sup>1</sup>**

**Question 2**

\_\_\_\_\_  
<sup>1</sup> Defendants submit that plaintiff's FMLA claims are time barred and should not proceed to trial.

Did plaintiff prove by a preponderance of the credible evidence that any of the below Defendants interfered with his rights under the Family and Medical Leave Act?

City of New York: YES \_\_\_\_\_ NO \_\_\_\_\_

Jan Borodo: YES \_\_\_\_\_ NO \_\_\_\_\_

Joseph M. Mastropietro: YES \_\_\_\_\_ NO \_\_\_\_\_

**PROCEED TO QUESTION 3.**

**FMLA RETALIATION<sup>2</sup>**

**Question 3**

Did plaintiff prove by a preponderance of the credible evidence that any of the below Defendants retaliated against him because he engaged in Family and Medical Leave Act protected activity?

City of New York: YES \_\_\_\_\_ NO \_\_\_\_\_

Jan Borodo: YES \_\_\_\_\_ NO \_\_\_\_\_

Joseph M. Mastropietro: YES \_\_\_\_\_ NO \_\_\_\_\_

**PLEASE PROCEED TO QUESTION 4.**

**RACE DISCRIMINATION**

**Question 4**

Did Plaintiff Pitre prove by a preponderance of the credible evidence that any of the below Defendants unlawfully discriminated against him based on his race?

City of New York: YES \_\_\_\_\_ NO \_\_\_\_\_

Jan Borodo: YES \_\_\_\_\_ NO \_\_\_\_\_

Joseph M. Mastropietro: YES \_\_\_\_\_ NO \_\_\_\_\_

**PROCEED TO QUESTION 5.**

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<sup>2</sup> Defendants submit that plaintiff's FMLA claims are time barred and should not proceed to trial.

**CHRL HOSTILE WORK ENVIRONMENT**

**Question 5**

Did plaintiff prove by a preponderance of the credible evidence that he was subjected to a hostile work environment based on disability by any of the Defendants listed below??

City of New York: YES \_\_\_\_\_ NO \_\_\_\_\_

Jan Borodo: YES \_\_\_\_\_ NO \_\_\_\_\_

Joseph M. Mastropietro: YES \_\_\_\_\_ NO \_\_\_\_\_

**PROCEED TO QUESTION 6.**

**Question 6**

Did plaintiff prove by a preponderance of the credible evidence that he was subjected to a hostile work environment based on race by any of the Defendants listed below?

City of New York: YES \_\_\_\_\_ NO \_\_\_\_\_

Jan Borodo: YES \_\_\_\_\_ NO \_\_\_\_\_

Joseph M. Mastropietro: YES \_\_\_\_\_ NO \_\_\_\_\_

**PROCEED TO QUESTION 7.**

**SHRL/CHRL RETALIATION**

**Question 7**

Did Plaintiff prove by a preponderance of the credible evidence that any of the below listed Defendants unlawfully retaliated against him for engaging in protected activity?

City of New York: YES \_\_\_\_\_ NO \_\_\_\_\_

Jan Borodo: YES \_\_\_\_\_ NO \_\_\_\_\_

Joseph M. Mastropietro: YES \_\_\_\_\_ NO \_\_\_\_\_

**IF YOU ANSWERED “NO” TO ALL THE QUESTIONS ABOVE, YOUR DELIBERATIONS ARE FINISHED. THE FOREPERSON SHOULD SIGN THE LAST PAGE AND RETURN THE VERDICT FORM TO THE COURT.**

**IF YOU ANSWERED “YES” TO ANY OF THE QUESTIONS ABOVE, PLEASE PROCEED TO QUESTION 8.**

**Question 8**

Did Plaintiff prove by a preponderance of the evidence that he suffered compensatory damages as a result of any Defendants’ unlawful conduct?

Yes \_\_\_\_\_ No \_\_\_\_\_

**If you answered “YES,” continue to Question 9(a) and 9(b), and skip Question 9(c). If you answered “NO,” skip Question 9(a) and 9(b) and continue to Question 9(c).**

**Question 9**

(a) If you answered “Yes” to Question 8, state the dollar amount of emotional distress damages Plaintiff has proven that she sustained that were proximately caused by defendant(s):

\$ \_\_\_\_\_

(b) If you answered “Yes” to Question 8, state the dollar amount of economic damages Plaintiff has proven that she sustained that were proximately caused by defendant(s):

\$ \_\_\_\_\_

(c) If you answered “No” to Question 8, state the amount of nominal damages to be awarded to the Plaintiff not to exceed one dollar:

\$ \_\_\_\_\_

**YOU HAVE REACHED A VERDICT. THE FOREPERSON SHOULD DATE AND SIGN THE VERDICT FORM, PLACE IT IN A SEALED ENVELOPE MARKED “VERDICT” AND HAND IT TO THE MARSHALL.**

**Your foreperson must now sign and date the verdict sheet.**

\_\_\_\_\_  
Signature of Foreperson